



CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

New Jersey Office of the Attorney General

Division of Consumer Affairs
State Board of Professional Engineers and Land Surveyors
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February 14, 2013

Certified and Regular Mail

Daneece M. Berge
Vice President, Operations Manager
Old Republic Site Management Services
17330 Preston Road, Suite 150A
Dallas, TX 75252-6057

Kristi Cunningham
Old Republic Site Management Services
17330 Preston Road, Suite 150A
Dalls, TX 75252

RE: I/M/O Old Republic Site Management Services
Complaint No. 11-03
Offer of Settlement In Lieu of Filing a Formal
Disciplinary Complaint

Dear Ms. Cunningham and Ms. Berge:

This letter is to advise you that the New Jersey State Board of Professional Engineers and Land Surveyors (hereinafter the "Board") has had an opportunity to review information concerning the conduct of you and your firm, Old Republic Site Management Services, (collectively "you") in connection with a complaint filed by Keith Ludwig.

More specifically, although you are not a New Jersey licensed professional land surveyor, you include a title block, or its substantial equivalent, on surveys prepared by New Jersey licensed professional land surveyors that tends to convey the impression that you are a licensed professional land surveyor, which constitutes the unlicensed practice of professional land surveying. Further, the evidence reveals that your common practice is to review the surveying information and then request changes to the survey although you are not a New Jersey licensed professional land survey, which also constitutes the unlicensed practice of professional land surveying.

Accordingly, for the reasons set forth above, upon review of all available information, the Board has preliminarily found that probable cause exists to support a finding that you are in violation of N.J.S.A. 45:8-27 and N.J.S.A. 45:8-28 for engaging in the unlicensed practice of professional land surveying in New Jersey.

As a result of the foregoing, the Board has preliminarily determined that the above violations are sufficient to warrant the initiation of formal proceedings against you. Notwithstanding that decision, the Board has determined that it will first offer you an opportunity to settle this matter in an attempt to avoid the initiation of more formal proceedings if you consent to the following terms:

1. Agree to immediately cease and desists from the unlicensed practice of professional land surveying upon your signing of the acknowledgment at the bottom of this letter.

In making a determination, you should know that pursuant to N.J.S.A. 45:1-25 any person who engages in conduct which is in violation of any provision of the statutes and regulations administered by the Board shall, in addition to any other sanctions provided by statute, be liable for a civil penalty of not more than \$10,000.00 for the first violation and not more than \$20,000.00 for the second and each subsequent violation. However, in an effort to resolve this matter amicably, the Board offers to settle on the terms stated above. If you are willing to resolve this matter on the offered settlement terms, you may do so by signing the acknowledgment at the bottom of this letter and returning it to the Board office within 15 days. In such event, this letter shall be a matter of public record.

In the event you are unwilling to settle this matter on the offered terms, it will be referred to the Attorney General's office for the initiation of formal proceedings. In such event, you will be afforded an opportunity to defend against the alleged violations. You are advised, however, that in the event formal charges are filed, you may be assessed civil penalties in an amount greater than that herein offered in settlement should any charges against you be sustained. Additionally, the Board may, if the facts herein or any additional facts are found to so warrant, enter an order requiring you to reimburse certain monies and/or requiring you to pay costs incurred by the Board. Should you have any questions concerning this letter or the settlement offer herein, I suggest that you contact Deputy Attorney General Michelle Albertson, who may be reached at (973) 648-7297.

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If you elect to settle this matter, you should sign the acknowledgment at the bottom of this letter and return it to the Board within fifteen (15) days following your receipt of this letter. In the event that the Board receives no response from you within fifteen (15) days, the Board's settlement offer shall be considered withdrawn and the matter will be referred to the Attorney General's Office for the initiation of formal proceedings.

NEW JERSEY STATE BOARD OF PROFESSIONAL
ENGINEERS AND LAND SURVEYORS

By: 

KARL W. REIDEL

Executive Director

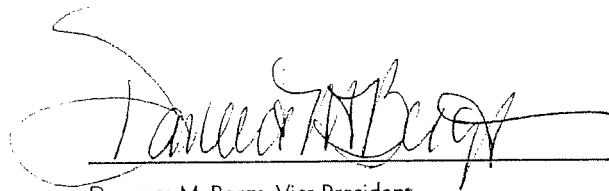
cc: B. Michelle Albertson,
Deputy Attorney General

cc: William B. Jones, II, Esquire

Old Republic Site Management Services
Offer of Settlement Certification

ACKNOWLEDGEMENT: I, Daneece M. Berge, on behalf of Old Republic Commercial Due Diligence Services ("ORCDD"), formerly known as Old Republic Site Management Services ("ORSITE"), hereby acknowledge that I have read and reviewed the settlement proposal set forth in the February 14, 2013 letter of Executive Director Karl W. Reidel (the "Letter"). I acknowledge the conduct which has been charged. I am aware that, by signing this acknowledgment, ORCDD is waiving any rights it may have to defend itself at an administrative hearing against the charges of wrongdoing referenced in the Letter, namely (a) that ORSITE included its name, address and identifying information in a block on surveys; and (b) that ORSITE reviewed survey information and requested changes. I am also aware that the action taken against ORCDD by the Board herein is a matter of public record and that this letter is a public document. I hereby agree that ORCDD will immediately desist from the practices as set forth herein above. **

Dated: 3/7/2013

A handwritten signature in black ink, appearing to read "Daneece M. Berge", is written over a horizontal line.

Daneece M. Berge, Vice President,

Old Republic Commercial Due Diligence Services

** This Acknowledgment has been executed subject to the terms set forth in the March 8, 2013 letter of William B. Jones, II, Esq.